

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

Case No.

VS)

COMPLAINT FOR VIOLATION OF

18 U.S.C. Section 111

Assault on a Federal Officer (Felony)

Eddie Yanez SANCHEZ)

08 MAY 30 AM 9:54

08 MJ 1703

ECU

DEPUTY

The undersigned complainant being duly sworn states:

COUNT 1

That on or about May 30, 2008, within the Southern District of California, Eddie Yanez SANCHEZ did knowingly and intentionally forcibly assault, resist, oppose, impede, and interfere with a person named in Title 18, United States Code, Section 111, to wit, Department of Homeland Security, Customs and Border Protection Officer Alfredo Olfato, in that defendant struck the officer with the vehicle that he was driving, in violation of Title 18, United States Code, Section 111, a felony.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Edward Coderes, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 30th day of May 2008.


United States Magistrate-Judge

PROBABLE CAUSE STATEMENT

These facts are based on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On May 30, 2008, at approximately 12:05 AM, Eddie Yanez SANCHEZ applied for entry into the United States from Mexico at the San Ysidro Port of Entry. SANCHEZ was the driver and sole occupant of a dark colored four (4) door sedan with California/United States license plate number 5VIP373. United States Customs and Border Protection Officer (CBPO) Xiomara Rodriguez was assigned to lane # 7 when SANCHEZ applied for entry. CBPO Rodriguez obtained three (3) negative customs declarations from SANCHEZ. CBPO Rodriguez discovered a positive name match on SANCHEZ through the Treasury Enforcement Communications Systems (TECS); SANCHEZ was listed as a previous violator with prior conviction of drug charges. CBPO Rodriguez was about to refer SANCHEZ and the vehicle for secondary inspection when SANCHEZ began inching away from CBPO Rodriguez. CBPO Rodriguez told SANCHEZ to stop, but instead SANCHEZ accelerated away from lane #7 which was at the east end of the POE heading westbound. At this time, CBPO Rodriguez activated the Port Runner Button inside her booth. According to several eyewitnesses, SANCHEZ was moving approximately between 30-40 miles per hour; a speed which is considerably excessive for the area. During his

flight, SANCHEZ struck CBPO Alfredo Olfato who was waiving him to stop at the post-primary U-turn area. The impact sent CBPO Olfato up in the air landing on top of the hood of SANCHEZ'S vehicle, then dragged CBPO Olfato approximately four (4) car lanes into the Interstate five then subsequently rolled off as the vehicle sped away towards Mexico. According to witnesses, CBPO Olfato was in plain view and in direct line of sight of SANCHEZ before, during and after the incident. In addition, witnesses did not see SANCHEZ yield at anytime before striking CBPO Olfato with his vehicle.


Executed on May 30, 2008 at 0900 hours

Edward Coderes  _____.

Special Agent

U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of two (2) pages, I find probable cause to believe that the defendant Eddie Yanez SANCHEZ named in the probable cause statement committed the offense on May 30, 2008 in violation of Title 18, United States Code, Section (s) 111.

 _____
United States Magistrate Judge